

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 14, 2013**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Spain, Cunningham, DiDonna, Olvany, Voigt

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Spain noted that he will be taking the items out of order to accommodate the public and also because one of the Commission members is expected to recuse himself regarding one of the public hearing items. He read the following agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Land Filling & Regrading Application #300, David & Julie Gorski, 7 Pleasant Street. Proposing to place fill and construct associated retaining wall on the western part of the property, and perform related site development activities. The subject property is located on the south side of Pleasant Street, approximately 200 feet east of its intersection with Gardiner Street, and is shown on Assessor's Map #45 as Lot #120, in the R-1/3 Zone. *HEARING ORIGINALLY OPENED 4/23/2013. DEADLINE TO CLOSE PUBLIC HEARING IS 5/28/2013, UNLESS EXTENDED BY APPLICANT.*

Mr. Spain said that he was absent for the April 23 public hearing but has watched the video of that hearing. David Gorski explained that he has met with several of his neighboring property owners and reached an agreement regarding the proposed regrading in the back yard.

Attorney Wilder Gleason representing his brother Jim Gleason, who owns a neighboring property, submitted a copy of the agreement that had been discussed by Mr. Gorski and his neighbors. Several changes will be incorporated into the plans to address the concerns of the neighbors. Copies of the letter from another neighbor were distributed to the Commission members.

Mr. Gorski explained that the required stormwater drainage system resulted in the back yard being elevated approximately four feet higher than the original grade due to the high ground water condition. He said the regrading will result in a somewhat flatter back yard that will be usable but it will not be perfectly flat. To hold back and support the regrading, the retaining wall will be approximately 3' 4" in height. The wall will be made of rock (not block) and will use mortar to hold it in place. The installation of the retaining wall will be certified by a structural engineer.

There were no comments from the public regarding the application. The following motion was made: That the Planning & Zoning Commission close the public hearing and will render a decision on this matter at a future meeting. The motion was made by Mr. DiDonna, seconded by Mr. Cunningham and unanimously approved.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 14, 2013
PAGE 2 OF 10

Chairman Spain then read the following agenda item:

GENERAL MEETING

Amendment of Coastal Site Plan Review #276, Flood Damage Prevention Application #308, Bryan and Sara Murphy, 1 Baywater Drive, R-NBD Zone.

Request to increase the size of the proposed pool from 10' x 20' to 12' x 20'.

Commission members discussed the requested modification from a 10' x 20' to a 12' x 20' in-ground swimming pool. Robert LeMay of William W. Seymour & Associates Land Surveyors was present and verified that the total building coverage including the slightly larger pool will still be less than 20% of the lot area. The two foot expansion of the pool is in the direction of the house rather than closer to the property lines.

Mr. Ginsberg said that the neighbors have been very concerned about the size of the house and the development of property and that is why the staff did not feel comfortable approving this modest modification without the Commission's review and action.

The rest of the site plan remains unchanged. The following motion was made: That the Planning & Zoning Commission conclude that this was a minor modification that does not require a public hearing and that the Commission approves the requested modification to expand the swimming pool from 10' x 20' to 12' x 20' in accordance with the submitted plans. The motion was made by Mr. Cunningham, seconded by Mr. Voigt and unanimously approved.

Chairman Spain read the following agenda item:

Discussion, deliberation, and possible decision on:

Special Permit Application #275, Mark Swimm/528 Post Road, LLC., 528 Boston Post Road.
Proposing to establish personal service use/wellness center incorporating skincare, bodycare, and personal fitness training within a portion of the existing building at 528 Boston Post Road. *PUBLIC HEARING CLOSED: 5/7/2013. DECISION DEADLINE: 7/12/2013.*

The following motion was made: That the Planning & Zoning Commission waive the process of reading the draft resolution aloud because all members have had an opportunity to review the draft prior to the meeting. The motion was made by Mr. Cunningham, seconded by Mr. Olvany and unanimously approved. The draft resolution was briefly discussed. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the Special Permit and requested use in accordance with the conditions and stipulations as noted. The motion as made by Mr. Olvany, seconded by Mr. Voigt and unanimously approved.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
May 14, 2013**

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 14, 2013
PAGE 3 OF 10

Application Number: Special Permit Application #275

Street Address: 528 Boston Post Road
Assessor's Map #35 Lot #6

Name and Address of Applicants:	Tali Tarone 56 Clinton Ave, Apt. A. Norwalk, CT 06854	Ellen Mullen 92 Flower House Dr. Fairfield CT 06824	Mellisa Curtin 5 Thomas Pl. Norwalk, CT 06853
---------------------------------	---	---	---

Name and Address of:	528 Post Road, LLC
Property Owner:	528 Boston Post Road Darien, CT 06820

Activity Being Applied For: Proposing to establish personal service use/wellness center incorporating skincare, bodycare, and one on one, personal fitness training within a portion of the existing building at 528 Boston Post Road.

Property Location: The subject property is located on the south side of Boston Post Road, approximately 525 feet southwest of its intersection with Old King's Highway North.

Zone: DB-2

Date of Public Hearing: May 7, 2013

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: April 26 & May 3, 2013

Newspaper: Darien News

Date of Action: May 14, 2013

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
May 24, 2013

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 620 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted application materials, and the statements of the applicants whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 14, 2013
PAGE 4 OF 10

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to establish a new personal service use/wellness center incorporating skincare, bodycare, and personal fitness training within a portion of the existing building at 528 Boston Post Road. As explained at the public hearing, the three separate workers will be providing personal services to their clients will be operating the business(es) within the same, first floor (street level) space within the building.
2. It is expected that each of the proposed Personal Service uses would be by appointment only, with ½ hour or more between client visits. The personal trainer would only have one-on-one training—no group classes. The careful scheduling of appointments will help minimize any parking and traffic conflicts.
3. The proposed use, a Personal Service Business, is considered a Special Permit use under Section 624c of the Darien Zoning Regulations.
4. Mailed notification of the public hearing was sent to property owners within 100 feet of the subject property. Nobody from the general public sent in comments regarding the application, or commented on the application at the public hearing.
5. The location and size of the use, the nature of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
6. The location and nature of the proposed use, is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
7. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
8. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Special Permit #275 is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. The Commission hereby approves the proposed Personal Service Business use as described in the submitted application materials. There are to be a maximum of three workers at the site at any time, and each will have only one client at a time. Another use will occupy the remainder of the building. There shall be sufficient time gaps between client appointments so that two

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 14, 2013
PAGE 5 OF 10

clients for the same worker will not be at the site (utilizing the limited on-site parking spaces) at the same time. The use of the space must be consistent with the application materials as confirmed by representations made at the public hearing by the applicant, and this resolution.

- B. Because of the nature of the business, and fact that the property is within a commercial zone and all internal to the building, there are no restrictions on the hours of operation.
- C. Due to the fact that there is no change in impervious surface proposed as part of this application, the Commission hereby waives the requirement for Stormwater Management under Section 880 of the Darien Zoning Regulations.
- D. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- E. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. The applicants and property owner shall coordinate an application to the Architectural Review Board for any desired signage prior to installation of any desired signage.
- F. This permit shall be subject to the provisions of Sections 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (May 14, 2014). This may be extended as per Sections 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations, the signing of the final approved plans by the Chairman, and filing of the Special Permit form in the Darien Land Records within 60 days of this action, and prior to the establishment of the business on-site, or this approval shall become null and void.

Any Other Business (Requires two-thirds vote of Commission)

Chairman Spain asked if there was any other business to be discussed. Mr. Ginsberg indicated that he would like the Commission to discuss the project at 30 Waverly Road and The Heights at Darien (the former Allen O'Neill) project. The following motion was made: That the Planning & Zoning Commission consider the 30 Waverly Road development and The Heights development under Other Business. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved.

Ernst, 30 Waverly Road (Flood Damage Prevention Application #326)

Mr. Ginsberg explained that Mr. Ernst has obtained approval from the Planning & Zoning Commission to elevate the existing residence but to leave the garage in its location and elevation. Apparently there is a misunderstanding during the submission and processing of the application. Instead of the existing residence being elevated, most of the building has been demolished and Mr. Ernst plans to construct a replacement building. The new structure will comply with all building

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 14, 2013
PAGE 6 OF 10

height and setback and Flood Damage Prevention Regulations. The Commission members discussed this situation and agreed that the replacement house could be constructed because the result will fully comply with the plans the Commission has already approved. The following motion was made: That the Planning & Zoning Commission clarify the resolution of approval for this project with the understanding that the house is to be replaced and not that the old building is being picked up or lifted. The motion was made by Mr. DiDonna, seconded by Mr. Voigt and unanimously approved.

The Heights (formerly Allen O'Neill)

Mr. Ginsberg explained that almost all of Phase 1 has been completed and the landscaping is being installed this month. Due to remediation work taking place regarding the contamination of soil caused by leaking oil tanks, there has been a delay in the installation and completion of Building #15. The applicant is seeking approval to slightly modify the phasing plan so that units in Phase 3 that are nearing completion will be eligible for Temporary Certificates of Occupancy even though the entire Phase 2 (in particular Building #15) will not be completed until July. Commission members felt that revising the phasing plan accordingly was appropriate. The following motion was made: That the Planning & Zoning Commission approved the requested modification of the phasing plan subject to the submission of a detailed revised schedule and an update on the status of the project. The motion was made by Mr. Olvany, seconded by Mr. DiDonna and unanimously approved.

Chairman Spain read the following agenda item:

PUBLIC HEARING

By Order dated December 19, 2012 in the matter of Christopher & Margaret Stefanoni, et. al. v. The Darien Planning and Zoning Commission – Docket No.: HHB-CV-11-5015368S (the “Appeal”), Judge Henry Cohn remanded the matter back to the Darien Planning & Zoning Commission for limited reconsideration. The legal notice for the original application read as follows:

Affordable Housing Application Under CGS 8-30g (#1-2010), Site Plan Application #277, Land Filling & Regrading Application #247, Christopher & Margaret Stefanoni, 57 Hoyt Street. Proposing to construct 16 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in a new building with associated parking and regrading, and to perform related site development activities. The subject property is located on the east side of Hoyt Street approximately 100 feet south of its intersection with Echo Drive, and is shown on Assessor’s Map #27 as Lot #168-1, within the R-1/3 zone.

Mr. Spain said that this would be a hearing regarding the items remanded back to the Planning & Zoning Commission by the Court. Mr. Olvany recused himself from discussions on this matter in order to avoid any perception of a conflict of interest. He departed from the meeting. This left four Commission members, which is still a quorum.

Mr. Spain said that the scope of the hearing involved the bypass lane being deleted from the plan that was originally submitted in 2011. He said that he does not want to have any ambiguity on what is being entered into the record as evidence and said that everything must be proffered to the Commission so that the Commission can decide whether that item is germane to the remand which has been directed by the Court. He said that the record consists of the materials that had been

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 14, 2013
PAGE 7 OF 10

submitted in 2010 and 2011, the decision of the Planning & Zoning Commission regarding the original application and the December 2012 transcript of the court proceedings requiring the remand back to the Commission. He said that things other than what is directly related to the bypass and traffic safety are not to be admitted now by the Commission. Mr. Spain said that the Town's traffic consultant had a previous commitment and could not attend the meeting tonight. He will be reviewing the materials submitted to the Commission and will prepare and submit his report by May 24, 2013 so that all persons can review it prior to the continuation of the public hearing on June 4, 2013.

Margaret Stefanoni reviewed the transcript of the remand and said that the parties also need to resolve the issues raised by the Fire Marshal. She said that she needs to report to the court on Friday, May 17, 2013 any progress that has been made in this matter. She referred to page 89 of the court transcript and said that items of agreement or disagreement are to be listed in the brief. She said that her understanding is that the issues have to be resolved. She said she has submitted her remand application materials approximately two months ago and now Mr. Galante, the Town's traffic consultant, has not yet even prepared a report. Mr. Spain urged her to make a presentation regarding the bypass and traffic safety issue.

Mrs. Stefanoni said that the original application had involved 16 units of age-restricted senior housing, 30% of which would be affordable under the requirements of Section 8-30g of the Connecticut General Statutes. When they obtained approval from the Connecticut Department of Transportation (DOT) to have a curb cut or a street opening driveway from the state road into the site, the state had requested that a bypass area (not a formal bypass lane) be constructed so that vehicles proceeding southbound on Hoyt Street, which were turning left into the proposed site, would be bypassed by other vehicles that wanted to proceed south on Hoyt Street. She said that the need for the bypass area was above and beyond the DOT's normal requirements because even the traffic turning left into the site would be at a level of Service A, which is the least obstructed or least delayed of level service. She said that the DOT wanted the bypass area, so the Stefanoni's (the applicants) agreed that they would do it as the DOT requested. Thus the bypass area became part of the application submitted to the Planning & Zoning Commission. She said that now the DOT has approved the driveway location and installation for the 16 unit development without requiring a bypass area. Since the Planning & Zoning Commission did not have that information at the time that they rendered the decision on the original application, the court has remanded the matter back to the Planning & Zoning Commission so that the Town can make a new decision based on this new information. Mrs. Stefanoni said that if the Town wants a bypass area to be constructed, the applicants will do so. If the Town does not want a bypass area constructed, then the road configuration will remain unchanged. Mrs. Stefanoni said that she does not fully understand how the decision making process of the DOT works but she did produce documentation to the DOT to demonstrate that the traffic volume does not warrant a bypass area. That information was submitted at meetings and included in the revised drawings and plans and an engineer's report to the DOT. Based on that new information, the DOT approved the creation of the driveway from the state road without a bypass area. She said that no traffic engineer representing the Town or the neighbors was present when the applicant met with the DOT engineers. She said that she had also provided to the DOT the Planning & Zoning Commission's resolution; and for something as minor as this, the DOT does not have a public hearing before rendering a decision. She said that she went through the DOT's process to get the approval. Now the question for the Planning & Zoning Commission is "do you want the bypass or not?" She said that the applicants will install it if the

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 14, 2013
PAGE 8 OF 10

Town wants a bypass but will not install if the Town does not want it to be installed. She said that any work within the State's right of way, including a bypass area, would require DOT approval.

Mr. Voigt said that he is concerned that the DOT did a 180 degree turn without any explanation as to why that change or decision was made. Mrs. Stefanoni suggested that the Commission have the Town Planning Director contact the DOT directly to get their explanation of their decision making process. Mr. Spain said, based upon Mrs. Stefanoni's explanation, that it sounded as if the DOT wanted the bypass area created and to have the developer pay for it as part of the original application. Mrs. Stefanoni said that the traffic conditions and traffic volume do not require a bypass area and that the various engineers, including the Town's traffic engineer, indicated that 16 units of senior housing do not warrant the creation of a bypass area. However, since the state wanted the bypass to be created, the applicant was willing to do so. Mrs. Stefanoni said that Section 8-30g of the Statutes mandates the municipal agencies are to cooperate to make affordable housing happen. She said the Town could have the bypass if they want it or they could not have the bypass if they do not want it. She said that the Commission has all the applicable data and needs to render a decision based on that information.

Mrs. Stefanoni said that in 2010 the DOT approval required a bypass and thus it was included in the application submitted to the Town. In 2011, the Planning & Zoning Commission concluded that a bypass was not acceptable and required the number of units to be reduced to 4 so that the DOT would not require a bypass. In 2012, the DOT concluded that it would not require a bypass, even for 16 units. The court has remanded the matter back to the Town so that the Town can consider the fact that the DOT no longer requires a bypass for the 16 units. Mr. Voigt said that the Planning & Zoning Commission decision was based on the information that was before them in 2011. It appears that the DOT has now been hounded to reverse their decision so they are now gun-shy about requiring the bypass area. Mrs. Stefanoni said that the Planning & Zoning Commission should consider their traffic consultant's opinion. She said the Commission can require or not require a bypass depending on how they feel about the matter. She said that the DOT has approved the new driveway location for the 16 units even if no bypass area is constructed.

Mr. Cunningham asked why Mr. Ginsberg should contact DOT to obtain a clarification. Mrs. Stefanoni suggested he contact Mr. Lagoja because he is the one that makes the decision on this matter. She said he could also speak to others at DOT if he wants, but Mr. Lagoja has been included in this process since the beginning. Mrs. Stefanoni said they are proposing the 16 units whether bypass is to be constructed or not. She said that DOT is happy either way. She suggested that the Planning & Zoning Commission look at the traffic and pedestrian safety issues and rely on the opinion of their own traffic consultant, Mr. Galante. He has repeatedly said that 16 units of senior housing do not warrant the creation of a bypass area.

Mr. Voigt said that the state DOT had required a bypass for safety reasons and now they say they may not need a bypass. He wondered whether their concerns are for safety or not.

Mr. Spain said that the Planning & Zoning Commission understood the DOT's permit had required a bypass to minimize the likelihood of a rear-end collision with a vehicle that is traveling southbound on Hoyt Street and was waiting to turn left into the site. The bypass area would have affected the pedestrian safety along Hoyt Street, however, and was therefore not acceptable. He said that a fewer number of units would result in less frequency of any vehicle stopped on Hoyt

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 14, 2013
PAGE 9 OF 10

Street waiting to turn left and therefore less likelihood that any cars traveling southbound on Hoyt Street would have a rear-end collision, or would have to swerve to get around the stopped car. The swerving maneuver would be dangerous to a motorist and to pedestrians. Mrs. Stefanoni said that the evidence is already in the record of the former Planning & Zoning Commission application hearings. She said that it was odd that the DOT had required the bypass area in this situation since the level of service, even for cars turning left into the site, would remain at a level of Service A. She said that the revised information submitted to DOT has been submitted to the Commission. To explain the difference in the drawings, she said that the plans submitted show the existing conditions without a bypass and the potential of including a bypass. She said that the neighbors had argued against the bypass because it would make a bad situation worse. She said if the Commission wants to approve the project without a bypass, that would be fine; if they want to require a bypass that would be acceptable. Mr. Cunningham said that, if the area of Hoyt Street, south of Echo Drive, is wide enough for two cars, then it might be less safe when a driver is trying to get by another car stopped on Hoyt Street waiting to take a left. Mrs. Stefanoni said that they cannot design traffic lanes for a reckless driver. She said that she wants everything that has been submitted to the Planning & Zoning Commission on March 13, 2013 to be part of the record on this new public hearing. That would include the Grading and Utility Plan that was not part of the 2011 record.

The items to be included in the record were discussed and labeling was agreed upon. Item R-1 is Sheet 3 of 6 with a revision date of August 1, 2011. This does not include a bypass area. It shows existing conditions and the new/proposed driveway into the site.

Item R-2 is a drawing of plan labeled Sheet 4 of 6. This drawing shows the storm drainage system in the street and the new drainage to be connected from the site into the street. It does not show a bypass area. Mrs. Stefanoni explained that these plans were approved by the DOT on 2/17/12. They were authenticated by the DOT on May 10, 2012, shortly before she submitted them to the court. She had them authenticated by the DOT in order to demonstrate that they are the plans that had been approved by the DOT on 2/17/12. Mr. Spain said that he understood the purpose of item R-1 but wondered why item R-2 was submitted. Mrs. Stefanoni said that item R-2 was given to the DOT and also given to the courts and the Planning & Zoning Commission so that everyone would know what the DOT has received and approved.

Item R-3 is the letter of August 10, 2011 transmitting the plans to the DOT. There is a cover letter for the maps.

Item R-4 has listed as Exhibit A and it is a print out of emails. It also includes a second page which is a graph that was stated to illustrate that the bypass is not warranted. Item R-5 is a letter to Mr. Creem. Mrs. Stefanoni said that it is part of what was given to the DOT in their decision making process.

Item R-6 is the 2/17/12 letter from the DOT approving the plans revised August 1, 2011 that do not include any bypass area. It is an Encroachment Permit to do work in the State's right of way so that a driveway can be created from the state road into the site. It includes a condition that the DOT wants to know that the Town has approved the project and a formal permit will be issued for the driveway construction so that the changes to the state road are not made until local approval has been obtained. Mrs. Stefanoni said that they need to get both approvals (from the state and the

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
MAY 14, 2013
PAGE 10 OF 10

town) before construction can commence. She said that she didn't have any additional or new materials to submit this evening but will reserve the right to do so at the continuation of the public hearing.

Mark Gregory of 22 Georgian Lane said that he is an intervener in the appeal proceeding and he was at the December 9, 2012 hearing in court where the Judge issued his remand. Mr. Gregory said that page 47 of the transcript is clear that the remand from the court is limited to the bypass question and nothing expands the scope of that remand. He said there is no call for any information regarding the Fire Marshal in the remand decision. He stated that he objects to any hearsay evidence about what the DOT officials said. He said that if the applicant wants the DOT people to testify, that would be fine, but it is not appropriate for her to make representations about what the DOT said, nor is it appropriate to put the Town's Director of Planning in the position of contacting the DOT officials and then being a witness regarding what the DOT officials said. He said that as an intervener he asks that anything to be filed with the Commission on this proceeding be sent to him directly so that he has an opportunity to review it.

Chairman Spain said that anything submitted to the Town should be submitted by May 29, 2013 so it can be distributed and reviewed by all concerned persons prior to the continuation of the public hearing on June 4, 2013.

Gary Bernhardt of 6 Echo Drive said that there is a ruling and a need for this remand because the applicant is now presenting a no bypass option. He said that the no bypass option was not something that the Commission had considered in its previous application and the neighbors had not studied the option of a no bypass because it had not been presented as an alternative with the previous application.

There were no further comments from the public at this time. Chairman Spain said that the public hearing regarding this remand would continue on June 4, 2013 at 8 P.M. in Room 206 of the Darien Town Hall. He said that Mrs. Cameron will be reviewing the record of this meeting so she could participate at that continuation.

There being no further business, a motion was made to adjourn the meeting. The motion was made by Mr. Voigt, seconded by Mr. DiDonna and unanimously approved. The meeting was adjourned at 10:35 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director